



Paul Boyer, Mayor
Tina Hernandez Mayor Pro Tem
Gregorio Gomez, Council Member
Ruben Macareno, Council Member
Danny Valdovinos, Council Member

**Farmersville City Council
Regular Meeting**

Monday, January 10, 2022 6:00 PM
Meeting held in Civic Center Council Chambers
– 909 W. Visalia Road Farmersville, California

Pursuant to AB 361, the City of Farmersville will be allowing the public, staff, and City Council to attend this meeting via Zoom.

Please dial 1-669-900-6833

Meeting ID: 88403991938

Password: 057219

- 1. Call to Order:**
- 2. Roll Call:**
- 3. Invocation:**
- 4. Pledge of Allegiance:**
- 5. Public Comment:**

Provides an opportunity for members of the public to address the City Council on items of interest to the public within the Council's jurisdiction and which are not already on the agenda this evening. It is the policy of the Council not to answer questions impromptu. Concerns or complaints will be referred to the City Manager's office. Speakers should limit their comments to not more than two (2) minutes. No more than twenty (20) total minutes will be allowed for Public Comment. For items which are on the agenda this evening, members of the public will be provided an opportunity to address the council as each item is brought up for discussion. Comments are to be addressed to the Council as a body and not to any individual Council Member.

- 6. Presentations:**
- 7. Consent Agenda:**

Under a CONSENT AGENDA category, a recommended course of action for each item is made. Any Council Member or Member of the Public may remove any item from the CONSENT AGENDA in order to discuss and/or change the recommended course of action, and the Council can approve the remainder of the CONSENT AGENDA.

A. Minutes of Regular City Council Meeting of December 13, 2021.

Recommend approval of minutes.

Documents: Draft Action Minutes of December 13, 2021

B. Treasurer's Report for November 2021

Recommend the City council accept the Investment Summary as presented for this period.

Documents: Investment Summary November 2021

C. Amended Delegation of Authority to Make a Disability Determination for CalPERS by Resolution 2022-001

Recommend that the City Council amend delegate authority to make a disability determination for CalPERS retirement benefits to the City Manager, Director of Finance & Administration and Human Resource Manager by Resolution 2022-001.

Documents: Resolution 2022-001

8. General Business

A. Clean California Local Grant Application

Recommend that the City Council authorize the City Manager to submit an application for grant funds to the Clean California Local Grant Program.

B. AB 361 and Teleconferenced Meetings

Recommend that the City Council provide findings and direction regarding AB 361 related to teleconference meetings.

Documents: AB 361

9. Council Reports

A. City Council Updates and Committee Reports

10. Staff Communications:

11. Future Agenda Items

1. Review of Property Zoned for Highway Commercial
2. Discussion on potentially contracting park maintenance
3. Discussion on homelessness issues

12. Adjournment:

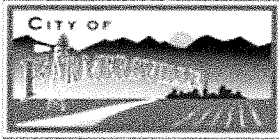
NOTICE TO PUBLIC

The City of Farmersville Civic Center and City Council Chambers comply with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact City Hall at (559) 747-0458 please allow at least six (6) hours prior to the meeting so that staff may make arrangements to accommodate you.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City's offices during normal business hours.

Drafted by: J. Gomez

Strong Roots.....Growing Possibilities



Paul Boyer, Mayor
Tina Hernandez, Mayor Pro Tem
Gregorio Gomez, Council Member
Ruben Macareno, Council Member
Danny Valdovinos, Council Member

Farmersville City Council Regular Meeting

Monday, December 13, 2021 6:00 PM
Meeting held in Civic Center Council Chambers
– 909 W. Visalia Road Farmersville, California

Pursuant to AB 361, the City of Farmersville will be allowing the public, staff, and City Council to attend this meeting via Zoom.

Please dial 1-669-900-6833

Meeting ID: 89094359463

Password: 398591

1. **Call to Order:** 6:02 pm
2. **Roll Call:** Boyer, Gomez, Macareno, Valdovinos, Hernandez (absent)
3. **Invocation:** Councilmember Valdovinos
4. **Pledge of Allegiance:** Councilmember Gomez
5. **Public Comment:**

Provides an opportunity for members of the public to address the City Council on items of interest to the public within the Council's jurisdiction and which are not already on the agenda this evening. It is the policy of the Council not to answer questions impromptu. Concerns or complaints will be referred to the City Manager's office. Speakers should limit their comments to not more than two (2) minutes. No more than twenty (20) total minutes will be allowed for Public Comment. For items which are on the agenda this evening, members of the public will be provided an opportunity to address the council as each item is brought up for discussion. Comments are to be addressed to the Council as a body and not to any individual Council Member.

Charles Woody with Platinum Connection gave City Council an update on Platinum Connection opening. Groundbreaking for the build will be starting in January; the material is already on location. The Disc Golf Course is complete at Liberty Park and a grand opening is currently being planned.

Ms. Rodriguez, a Social Studies teacher from Farmersville High School, inquired about the City helping with implementing a Community Garden. She will be sending out emails with all the information.

Alice Lopez, a resident at 442 N. Matthew Ave, informed Council that students who volunteer to be on Council or Planning could possibly have a State Seal applied to their diploma for Civic Engagement. Ms. Lopez will investigate this and let the Council know. Ms. Lopez has concerns due to construction at Farmersville Blvd and Walnut; vehicles are going straight when they can only turn. She also has concerns regarding Visalia

Road by the Catholic Church. Residents attending church have nowhere to park since Visalia Road has been widened. She also expressed the possibility of adding a crosswalk at Ventura.

Tadeo Aparicio, student at Farmersville High School would like more lights added to Sports Park.

Mayor Paul Boyer informed attendees that there is an opening for a High School student to be a part of the Youth City Council meetings and Youth Planning Commission meetings.

6. Presentations:

Chief Krstic gave a presentation regarding the promotion of Luis Frausto to Sergeant. Deputy City Clerk Betina Ashoori swore in Luis Frausto.

A. Promotion of Luis Frausto

7. Consent Agenda:

Under a CONSENT AGENDA category, a recommended course of action for each item is made. Any Council Member or Member of the Public may remove any item from the CONSENT AGENDA in order to discuss and/or change the recommended course of action, and the Council can approve the remainder of the CONSENT AGENDA.

A. Minutes of Regular City Council Meeting of November 22, 2021.

Recommend approval of minutes.

Documents: Draft Action Minutes of November 22, 2021.

B. Finance Update for November 2021: Warrant Register and Investment Summary

Recommend that the City Council:

1. Approve the Warrant Register as presented for the period. This reporting period represents warrants issued for the current Fiscal Year (2021/2022); and
2. Accept the Investment Summary as presented for the period. This reporting period represents investment summary for the previous month.

Documents: November 2021 Warrant Register
Investment Summary November 2021

C. Waive the Second Reading and adopt Ordinance 513 amending Chapter 8.04 of the Farmersville Municipal Code pertaining to Organic Waste

Recommend that the City Council waive the second reading and adopt Ordinance 513 amending Chapter 8.04, Sections 8.04.020 - 8.04.040,

8.04.060- 8.04.080, 8.04.150 – 8.04.206, 8.04.220- 8.04.240, 8.04.380 - 8.04.410, and 8.04.450 of the Farmersville Municipal Code pertaining to integrated waste management.

Documents: Ordinance 513

Mayor Boyer let Council know that the Investment Summary was not included in Agenda.

Mayor Boyer abstained from item B.

Motion to approve as presented.

| |
|--|
| Results: Approve Mover: Councilmember Macareno Seconder: Councilmember Gomez Ayes: Boyer, Gomez, Macareno, Valdovinos Noes: 0 Abstain: Mayor Boyer abstained from Item B Absent: Hernandez |
|--|

8. General Business

A. Public Hearing and Presentation on Developer Impact Fees for FY 2020-21

Recommend conducting a public hearing in order to receive public comment on the attached report related to Government Code 66006 (b)(2) with respect to Developer Impact Fees (DIF) and then to review and accept the report at the conclusion of the public hearing.

Documents: 2021 Annual Developer Impact Fee Report
Resolution 2021-050

Steve Huntley, Director of Finance and Administration gave presentation regarding Developer Impact Fees.

Mayor Boyer opened public hearing at 6:28pm, and with no comments given closed public hearing at 6:28pm.

Motion to approve as presented.

| |
|--|
| Results: Approve Mover: Councilmember Valdovinos Seconder: Councilmember Gomez Ayes: Boyer, Gomez, Macareno, Valdovinos Noes: 0 Abstain: 0 Absent: Hernandez |
|--|

B. Shasta Avenue Corner Sight Distance Study

Recommend that the City Council review the attached exhibits for the adjustment of the existing fence at the northeast corner of Shasta Avenue and Visalia Road to improve the sight distance for traveling vehicles and authorize staff to proceed with the proposed adjustment.

Documents: Shasta Avenue Site Distance – Existing
Shasta Avenue Site Distance – Proposed

Kevin Gross, the City Engineer with QK gave a presentation regarding the existing fence at the northeast corner of Shasta Avenue and Visalia Road. Kevin answered questions from the Council

City Attorney Michael Schulte let the Council know that the City has the right to move the fence at Shasta Ave. and Visalia Road. He informed the Council that the fence is inside the City's right away by 3ft.

Council would like to notify the resident with a letter before going to the resident's home to let him know about the changes to his fence.

Motion to approve as presented, with a letter to homeowner.

| |
|--|
| Results: Approve Mover: Councilmember Gomez Seconder: Councilmember Valdovinos Ayes: Boyer, Gomez, Macareno, Valdovinos Noes: 0 Abstain: 0 Absent: Hernandez |
|--|

C. City Council Committee Appointments

Recommend that the City Council consider nominations or expressions of interest for positions as Farmersville's representatives to various organizations locally, regionally and Statewide, and appoint representatives to said committees.

Councilmembers discussed committees. Council recommends Councilmember Valdovinos for alternate for Homelessness Task Force. All other positions stayed the same.

Motion to approve as presented.

Results: Approve
Mover: Councilmember Macareno
Second: Councilmember Gomez
Ayes: Boyer, Gomez, Macareno, Valdovinos
Noes: 0
Abstain: 0
Absent: Hernandez

D. Review of March 20, 2020, Local Emergency Declaration & AB 361 and Teleconferenced Meetings

Staff recommends that the City Council review the March 20, 2020, Local Emergency Declaration and continue with said declaration as previously adopted by Resolution 2020-010 and Urgency Ordinance 501; and provide findings and direction regarding AB 361 related to teleconference meetings.

Documents: Resolution 2020-010
Urgency Ordinance 501
AB 361

Motion to approve as presented.

Results: Approve
Mover: Councilmember Valdovinos
Second: Councilmember Gomez
Ayes: Boyer, Gomez, Macareno, Valdovinos
Noes: 0
Abstain: 0
Absent: Hernandez

9. Council Reports

A. City Council Updates and Committee Reports

Councilmember Macareno- Christmas Tree Lighting was nice. Christmas Banner was a nice touch to Downtown Farmersville.

Councilmember Valdovinos- The annual Christmas Toy Drive will be December 23, 2021, at the Boys and Girls Club. Toy drive will be from 11:00am- 5:00pm.

Councilmember Gomez- The City looks beautiful with Christmas lights. He appreciates all of the work put into Downtown Farmersville. Visalia Animal Control was in his neighborhood this past weekend. Thanked Code Enforcement for all of the hard work they have been doing, especially on S. Rose.

Mayor Boyer- Thanks Public Works for all of their hard work at the Christmas Tree lighting, hanging banners, and Christmas tree lights. Thanked Gary Carter for filling in for Santa Claus. Inquired about last Council meeting for 2021 and would like to know status regarding SB1383.

10. Staff Communications:

City Manager Gomez- Attended Las Vegas convention December 6-7, 2021 will be following up after the New Year with retail vendors.

Public Works- Will be filling in pothole in front of O'Reillys. Another Christmas banner will be coming in this week.

11. Future Agenda Items

1. Review of Farmersville Historical Records with Armando Hinojosa
2. Review of Property Zoned for Highway Commercial
3. Discussion on potentially contracting park maintenance
4. Discussion on homelessness issues

12. Adjourn to Closed Session:

Mayor Boyer adjourned to closed session at 7:06pm

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(2) & (e)(1) – 1 potential case

13. Reconvene to Open Session:

Mayor Boyer reconvened at 7:28pm

14. Closed Session Report (if any):

Mayor Boyer adjourned meeting at 7:28pm with nothing to report.

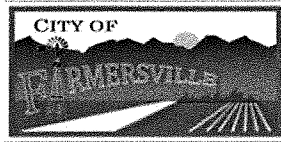
15. Adjournment:

Mayor Boyer adjourned meeting at 7:28pm

Respectfully Submitted,

Rochelle Giovani
City Clerk

Strong Roots.....Growing Possibilities



City Council

Staff Report
Consent Item # 7B

TO: Honorable Mayor and City Council

FROM: Steve Huntley, CPFO, IPMA-SCP
Director of Finance & Administration

DATE: January 10, 2022

SUBJECT: Treasurer's Report for **November 2021**

RECOMMENDED ACTION:

It is respectfully recommended that the City Council:

1. Accept the Investment Summary as presented for the period. This reporting period represents investment summary for the previous month.

COORDINATION & REVIEW:

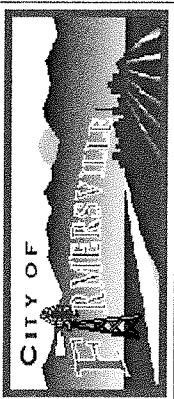
Preparation and presentation of the Investment Summary is in compliance with Government Code 53607 and 53646(b) and has been coordinated with the City Finance Department and City Manager's Office.

CONCLUSION:

It is respectfully recommended that the City Council accept the Investment Summary as presented for the period of November 2021.

Attachment(s):

1. Investment Summary November 2021. *(Document will be distributed at the meeting)*



CITY OF FARMERSVILLE PORTFOLIO SUMMARY

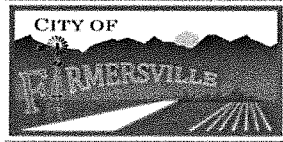
Treasurer's Report for Nov 2021
Monthly Transaction Report as prescribed by Government Code Section 53607 & 53646(b)

| Investments | Par Value | Market Value | Book Value | % of Portfolio | Term | Days to Maturity | Est. Yield |
|--|------------|--------------|------------|----------------|------|------------------|------------|
| Local Agency Investment Funds (LAIF) | 4,310,726 | 4,311,444 | 4,310,726 | 21.25% | 1 | 1 | 0.20% |
| CSJVRMA Pool (Chandler Asset Management) | 3,629,597 | 3,659,747 | 3,659,747 | 18.05% | 1 | 1 | -0.72% |
| Money Market (Time Value Investments) | 15,686 | 15,686 | 15,686 | 0.08% | 0 | 0 | 0.03% |
| Money Market (Citizens Business Bank) | 2,507,329 | 2,507,329 | 2,507,329 | 12.36% | 1 | 1 | 0.10% |
| Certificates of Deposit | 3,474,000 | 3,503,337 | 3,503,337 | 17.27% | 1465 | 846 | 1.35% |
| Federal Agency Securities | 2,000,000 | 1,968,679 | 1,968,679 | 9.71% | 1607 | 1478.6 | 0.50% |
| Cash | 4,315,718 | 4,315,718 | 4,315,718 | 21.28% | 1 | 1 | 0.10% |
| | 20,253,056 | 20,281,940 | 20,281,222 | 100% | | | |

This monthly report accurately reflects all the City pooled investments. It is in conformity with the City's investment policy as amended. The City has sufficient cash flow to meet six months expenditures. Citizens Business Bank, Time Value Investments, Chandler Investment Management, and LAIF statements are the source for market values.

Steve Huntley, Treasurer

12/9/2021
Date



City Council

Staff Report 7C

TO: Honorable Mayor and City Council

FROM: Steve Huntley, Director of Finance and Administration

DATE: January 10, 2022

SUBJECT: **Amended Delegation of Authority to Make a Disability Determination for CalPERS by Resolution 2022-001**

RECOMMENDED ACTION:

Recommend that the City Council amend delegate authority to make a disability determination for CalPERS retirement benefits to the City Manager, Director of Finance & Administration and Human Resource Manager by Resolution 2022-001.

BACKGROUND and DISCUSSION:

From time to time, in order to manage the personnel matters of the City, the City Manager and other finance and administration staff must interact with CalPERS staff regarding specific benefits related to disability and retirement benefits, specifically:

- submitting a disability retirement application,
- determining information to be included in resolution/determination documents in support of an application for disability retirement,
- evaluation and management of twelve-month disability duration requirements,
- managing continuous disability requirements,
- determining medical qualifications for disability retirement, and
- working through disability re-evaluation procedures.

On such requirement, it was clarified when CalPERS issued a circular letter in March of 2017 reiterating the requirements of employers when assisting employees who are eligible for disability retirement benefits. As a result, CalPERS needs specific proof of authorization regarding the delegation of authority to make disability determinations regarding these benefits. Specifically, the letter states:

Government Code (G.C.) section 20026 defines "Disability" and "Incapacity for Performance of Duty". G.C. section 21156(a)(2) provides that the board or governing body of the contracting agency shall make a determination on a member's disability

retirement on the basis of competent medical opinion and shall not use disability retirement as a substitute for the disciplinary process. G.C. section 21192 gives authority to the board or governing body of the employer from whose employment a person was retired to require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his or her class to undergo medical examination. G.C. section 20221 provides that each employer must provide the California Public Employees' Retirement System (CalPERS) with any information concerning any member that CalPERS requires in the administration of the System. G.C. sections 20128 and 20223 provide that CalPERS may require a member to provide information it deems necessary to determine entitlement to benefits and information affecting his or her status as a member.

Currently, the City Manager and other staff handle all other management of benefits and eligibility of the Plan and CalPERS requirements. However, City staff, although confident that this delegation was likely done in the past, is unable to locate specific proof by resolution that this was accomplished. Therefore, City staff requests that the City Council delegate authority to make a disability determination for CalPERS retirement benefits to the City Manager by Resolution to meet CalPERS requirements.

Attachments: Resolution 2022-001

RESOLUTION 2022-001

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERVILLE
DELEGATION OF AUTHORITY TO MAKE A DISABILITY DETERMINATION FOR
CALPERS**

WHEREAS, Government Code (G.C.) section 20026 defines "Disability" and "Incapacity for Performance of Duty". G.C. section 21156(a)(2) provides that the board or governing body of the contracting agency shall make a determination on a member's disability retirement on the basis of competent medical opinion and shall not use disability retirement as a substitute for the disciplinary process; and

WHEREAS, G.C. section 21192 gives authority to the board or governing body of the employer from whose employment a person was retired to require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his or her class to undergo medical examination; and

WHEREAS, G.C. section 20221 provides that each employer must provide the California Public Employees' Retirement System (CalPERS) with any information concerning any member that CalPERS requires in the administration of the System; and

WHEREAS, G.C. sections 20128 and 20223 provide that CalPERS may require a member to provide information it deems necessary to determine entitlement to benefits and information affecting his or her status as a member; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Farmersville as follows:

1. that the City Council delegate and it does hereby delegate to the incumbent of the office/position of City Manager, Director of Finance & Administration, and Human Resources Manager the authority to submit an application on behalf of the Agency pursuant to Government Code section 21152 (c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability;
2. BE IT FURTHER RESOLVED that the City Council delegate and it does hereby delegate to the incumbent of the office/position of City Manager authority to make determinations of disability on behalf of the Agency under Government Code section 21156 and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

PASSED, ADOPTED AND APPROVED this 10th day of January, 2022 by the following vote:

AYES: _____

NOES: _____

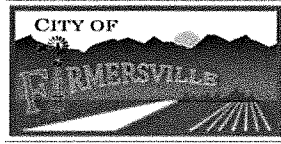
ABSTAIN: _____

ABSENT: _____

Paul Boyer, Mayor of Farmersville

Attest:

Rochelle Giovani, City Clerk



City Council

Staff Report 8A

TO: Honorable Mayor and City Council

FROM: Jennifer Gomez, City Manager

DATE: January 10, 2022

SUBJECT: Clean California Local Grant Application

RECOMMENDED ACTION:

That the City Council authorize the City Manager to submit an application for grant funds to the Clean California Local Grant Program.

BACKGROUND and DISCUSSION:

The Department of Transportation (Caltrans) is administering the Clean California Local Grant Program with the intent to beautify and clean up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces. Other parts of this program include litter abatement efforts, state beautification and safety projects, and public education campaigns. The application deadline is February 1, 2022. If awarded, the project must be completed, and all funds expended by June 30, 2024.

Multiple projects are being proposed in order to address the local match requirement which is based on the SOD (severity of disadvantage) of the community surrounding the project. The community surrounding the project is defined as all census tracts within a ¼ mile radius of the project.

The City's proposed application will consist of three components: 1) Beautification to Hwy 198 Interchange; 2) Landscape Improvements to Downtown; and 3) Litter Abatement Education Campaign. City staff has been working with Sierra Designs and Blais & Associates over the last two months to develop a scope of work that meets the goals of the program and are considered eligible activities. Multiple meetings and emails with Caltrans have also occurred to assist with this proposal.

Beautification to Hwy 198 Interchange

The most significant component of the City's application is to request funds for the beautification of the Hwy 198 interchange. The City's General Plan identifies the installation of signage at the Hwy 198/Farmerville Blvd. interchange as a goal, objective, and action to foster an attractive, clean and well-maintained community. Staff is looking at this grant as an opportunity to create an artistic and unique entrance to Farmersville. Community outreach was done at the Christmas Tree Lighting Ceremony to receive feedback and suggestions on landscape

materials and design. Sierra Designs has worked diligently through the holidays to finalize the design concept and will work with the City Manager to ensure it will meet Caltrans specifications and budget.

Landscape Improvements to Downtown

The second component is to update and modify the planters in the downtown area. This is a project that will further the look done on Visalia Road, the roundabouts, and the Farmersville Blvd. Widening project with gravel and new shrubs.

Litter Abatement Education Campaign

The third component is to develop an education campaign regarding litter abatement. This could include mailers to residents to encourage the proper disposal of trash to help keep our streets and parks clean.

Beautifying the entrance and main corridor of Farmersville will bring many benefits and have brought letters of support from the Farmersville Unified School District, Tulare Kings Hispanic Chamber of Commerce, Tulare County EDC, and TCAG which will be submitted with our application.

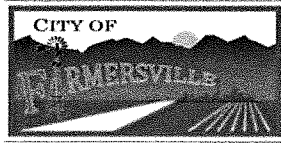
Cost estimates for these proposed projects have not been completed at this time and the scope of work may be further modified by the City Manager in order to meet the grant requirements.

ALTERNATIVES:

None presented at this time.

FISCAL IMPACT:

The grant award shall not exceed \$5,000,000 and no City match is required. The City and Caltrans will likely share responsibility for ongoing maintenance of the Hwy 198 improvements. The City will also be responsible for the ongoing maintenance of the downtown improvements, as well as implementing an anti-litter educational campaign.



City Council

Staff Report 8B

TO: Honorable Mayor and City Council

FROM: Jennifer Gomez, City Manager

DATE: January 10, 2022

SUBJECT: AB 361 and Teleconferenced Meetings

RECOMMENDED ACTION:

Provide findings and direction regarding AB 361 related to teleconference meetings.

BACKGROUND and DISCUSSION:

On September 16, 2021, Governor Newsom signed Assembly Bill 361 amending the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on local officials finding that meeting in person would present an imminent safety risk to attendees. AB 361 would apply to any proclaimed emergencies such as earthquakes, floods, and wildfires in addition to the current pandemic.

Pursuant to AB 361 if public comment is disrupted due to technical difficulties, then the legislative body may not take any vote or other official action until the technical disruption is corrected and public access is restored.

Additionally, AB 361 requires the legislative body to make findings by majority vote every 30 days that a state of emergency exists and continues to directly impact the ability of the members to promote social distancing. The City Council voted and directed staff on October 11, 2021, to comply with AB 361 based on their findings that there is still a risk to the health and safety of attendees. To continue holding teleconference meetings, the City Council must make these same findings every 30 days or decide to return to in-person meetings. Staff respectfully requests findings by the City Council and direction at this time.

ATTACHMENT(S):

AB 361

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.